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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/418,772	10/15/1999	MICHAEL C. ALBERS	SUN1P223/P37	9304
22434	7590	12/17/2003	EXAMINER	
BEYER WEAVER & THOMAS LLP			LAO, LUN S	
P.O. BOX 778			ART UNIT	
BERKELEY, CA 94704-0778			PAPER NUMBER	
			2643	
DATE MAILED: 12/17/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/418,772

Applicant(s)

ALBERS ET AL.

Examiner

Lun-See Lao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22 is/are allowed.
- 6) ☒ Claim(s) 1-21 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-22, 24 are pending. This action is in response to the amendment filed 07-03-2003 accompanying an RCE. Applicant has amended claims 1.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "audio evens" in line 2, which is confusing. For the purpose of art rejection, it is interpreted as "audio events", as best understood and as it appears to be.

Claims 2-11 depend from claim 1.

4. Claims 1-11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

5. Claims 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger et al (U S Pat. 5,996,022).

As to claim 12, Krueger teaches a computer-implemented method of accessing, by a platform-independent audio computer service (col. 3, lines 20-44), a platform dependent audio file (transcoded audio files conforming to client's hardware and software configuration) associated with an audio event (audio channel) from a first platform (client system 1, including hardware and software) (fig. 1, col. 3, lines 45-65), the method comprising:

receiving for a platform dependent audio function a request (user/client requests/accesses audio files, for audio channel);

importing (transmit to client) a theme (audio files transcoded by one of the transcoding modes) corresponding to the platform dependent audio function including at least one platform dependent audio file (transcoded audio files conforming to client's hardware and software capability) associated with the platform dependent audio function (col. 5, lines 29-34, 44-58; col. 6, lines 35-58); and

referencing the platform dependent audio field corresponding to the platform dependent audio function (client plays downloaded transcoded audio files, col. 6, lines 15-17).

It is noted that the audio computer service of Krueger is platform-independent in that, regardless of the characteristics of the platform (combination of hardware, system software and player program) from which a user issues an audio event/function (directory, seek, read), a correct form of an audio file is returned to the user. See col. 4, line 16 - col. 5, line 64.

While Krueger does not explicitly teach that the at least one platform dependent audio file is represented by / packaged into a corresponding field, this would have been an obvious choice for the purpose of efficient file management.

As to claim 13, Krueger teaches platform dependent audio file (transcoded audio files conforming to client's hardware and software configuration) (see discussion of claim 12).

6. Claims 14, 16, 17, 20, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger et al as applied to claim 12 in view of Rose (U S Pat. 6,085,199).

As to claim 14, Krueger does not teach multiplexer.

Rose teaches audio computer service which uses a data structure to manage audio data, wherein a plurality of themes (audio files of various formats) associated with audio events (user selection of audio links) are packaged into a software object / multiplexer (dictionary of listed audio files). See col. 4, lines 45-65; col. 5, lines 17-22.

Given the teaching of Rose, it would have been obvious to package the plurality of themes associated audio events of Krueger into a software object / multiplexer for efficient locating/search of theme(s) / platform dependent audio file(s). In so doing, a more user friendly method of audio file selection would have been provided.

As to claim 16, note discussion of claim 12 for audio events, platform dependent audio fields, first platform and first theme / a theme. Note discussion of claim 14 for software object as taught by the combination of Krueger and Rose. It is noted that the

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first theme of Krueger relates the platform dependent audio fields to the first platform in that an appropriate transcoding / theme results in audio files/fields conforming to a particular client's hardware and software capability (Krueger, col. 5, lines 29-51; col. 6, lines 35-58).

As to claim 17, Krueger teaches second platform, a second theme because the system includes multiple clients (client 1, a client, a particular client) having respective platforms (hardware and software configurations) and thus corresponding transcoded audio files, as discussed on claim 12. When the teachings of Krueger and Rose are combined, these themes would have been represented with a second set of platform dependent audio fields of the software object.

As to claim 20, Krueger as modified teaches the set of audio events is organized into categories (transcoded audio files produced by different transcoding modes, col. 6, lines 56-67).

As to claim 24, it is a program product claim of claim 16 and thus note claim 16 for discussion. Further, the audio computer service of Krueger as modified by Rose is a platform independent audio computer service in that a client, while having any of a variety of configurations of platform hardware and software, retrieves audio files from the server in a uniform fashion.

7. Claims 15, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger et al in view of Rose as applied to claims 12, 16 and further in view of Peng (U S Pat. 6,128,011).

As to claim 15, Peng teaches adding a listener (ActionListener, WindowListener) to a component (application with GUI) which provides a GUI event. See col. 7, code listing, lines 17-24. Therefore, it would have been obvious to add a listener to the component of Krueger. A motivation to apply the teaching of Peng to Krueger as modified would have been to provide a GUI without having to redesign for each platform (Peng, col. 3, lines 17-21).

As to claim 18, Peng teaches supporting a single version of audio software program (Java GUI) on more than one types/themes of computer system platforms, including one of a Windows operating system (Windows 95, fig.s 4A, 5B, 6B) and a Motif operating system (Unix/Solaris/Motif, fig.s 4B, 5A, 6A), wherein each GUI has its own look and feel / characteristics, as shown in fig.s 4 and 5 in Peng. Therefore, it would have been obvious to support the audio service of Krueger as modified on a Windows operating system or a Motif operating system. Note discussion of claim 15 for a motivation to combine. MacIntosh operating system is another well known operating system with comprehensive multimedia support. Thus, it would have been obvious to include MacIntosh operating system into the platforms supported in Krueger as modified.

8. Claims 19, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger et al in view of Rose as applied to claim 16 and further in view of Chow et al (U S Pat. 6,226,693).

As to claims 19, 21, a hash file/table is a typical implementation of a directory/index data structure which converts a key/identifier, meaningful to a user, into

the location of the corresponding data in a data collection. One such an example is shown by Chow to locate the event specific routine(s) corresponding to an event. (See fig. 6 and denoting text). Therefore, it would have been obvious to implement the software object / directory data structure of Krueger as modified with a hash file.

Allowable Subject Matter

9. Claim 22 is allowed.

Response to Arguments

10. Applicant's arguments filed 7/3/2003 have been fully considered but they are not persuasive.

As to applicant's argument regarding emulation of the audio events of the first platform (Remarks, page 5, 2nd paragraph), it is not recited in the rejected claims. See claims 12-21 and 24 for detailed discussions.

As to applicant's argument that the transcoding process of Krueger does not teach a set of audio events associated with themes (Remarks, page 5, 2nd paragraph), the examiner respectfully disagrees. First, it is the combination of Krueger and Rose, instead of Krueger alone, that meets the theme and the corresponding field and events and the software object as recited in claim 12, 16 and 24. In particular, Kruger teaches a theme (audio files transcoded by one of the transcoding modes) corresponding to the platform dependent audio function / event (client access/request for audio file) including

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at least one platform dependent audio field/file associated with the platform dependent audio function (transcoded audio files conforming to client's hardware and software capability), as recited in claim 12, for example. Note claim 12 for a detailed discussion. In other words, the audio event / client access request is associated with a corresponding theme / particularly transcoded audio files through the particular transcoding scheme which takes into account the client platform's capability.

Regarding applicant's argument that the on-the-fly conversion taught by Rose (or Kruger) does not teach an object representing a set of audio events associated with themes (Remarks, paragraph bridging pages 5 and 6), the examiner respectfully disagrees. Again, applicant argued the prior art individually. It is the combination of Krueger and Rose, instead of Rose alone, that meets the software object as recited in claims 16 and 20. Krueger teaches the content of the software object as claimed and Rose teaches packaging such contents into a single software object. The combined teaching of Krueger and Rose therefore provides the software object with the content as claimed - having at least one entry associated with an audio event and a first theme. The argued on-the-fly conversion is not the teaching relied on. Rose is relied on to teach packaging audio files of various formats into a single software object, as detailed in the rejection of claim 16. It is noted that the claim language does not require nor preclude the platform dependent audio fields be provided in a pre-developed fashion or be provided in a dynamic / on-the-fly fashion. However, Krueger provides platform dependent audio fields/files in both pre-developed fashion (stored in cache) and dynamic fashion (transcode on-the-fly).

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Regarding applicant's argument towards claim 12 (page 6, 2nd paragraph), it is met by the combination of Krueger and Rose, as detailed in the rejection of claim 12 (section 6 of this office action).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gelissen (US PAT. 5,854,927), Arnalds (US PAT. 6,093,880) and Belknap (US PAT. 6,516,356) are recited to show other related the cross-platform audio feedback for GUI components.

12. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington.

VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao,Lun-See whose telephone number is (703) 305-2259. The examiner can normally be reached on Monday-Friday from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding

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should be directed to the Technology Center 2600 whose telephone number is (703) 306-0377.

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